

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SHIRLEY L. PHELPS-ROPER)
Plaintiff,)
v.)
DANIEL BULLOCK, individually and in his)
official capacity as Sheriff of St. Francois)
County, Missouri,)
Defendant.)
No. 4:10-cv-1125 JCH

Memorandum

As the parties advised the Court at the hearing on Plaintiff's motion for temporary restraining order, the parties have reached an agreement with respect to Plaintiff's motion for a temporary restraining order against enforcement of Mo. Rev. Stat. § 578.501 and Mo. Rev. Stat. § 578.502. Plaintiff's counsel understood that the parties would file their agreement as either a joint proposed order or as a matter of record. Defendant and his attorney remember this Court as not wanting any documentation filed with this Court. As a result, Defendant is not willing to sign a written agreement to be filed with this Court.

For the record and based on her counsel's recollection of the Court's request, Plaintiff advises this Court that the parties have agreed as follows:

1. Defendant, his officers, agents, servants, employees, and attorneys, or those persons in active concert or participation with them, will not enforce Mo. Rev. Stat. § 578.501 or Mo. Rev. Stat. § 578.502 on June 25, 2010;
2. Within St. Francois County, Missouri, Plaintiff agrees to abide by the restrictions imposed by 18 U.S.C. § 1388 on June 25, 2010; and
3. For her picket on June 25, 2010, Plaintiff agrees to conduct her demonstration along

Marler Road. Marler Road is a public road, approximately two-hundred feet long, located between Highway 8 and Missouri Route 8, and is approximately eight-hundred feet to the east of West County High School. The parties agree that a demonstration without sound amplification that is confined to this location would not violate 18 U.S.C. § 1388 or cause peace disturbance, as defined by Mo. Rev. Stat. § 574.010.

Respectfully submitted,

/s/ Anthony E. Rothert
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Certificate of Service